

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION**

**HAWK TECHNOLOGY SYSTEMS, LLC
PLAINTIFF**

v. Case No. CV-2015-6037

OAKLAWN JOCKEY CLUB, INC.

DEFENDANT

**OAKLAWN JOCKEY CLUB, INC.'S MOTION TO STAY
SCHEDULING ORDER DEADLINES UNLESS AND UNTIL
PLAINTIFF CURES DEFICIENCIES
IN ITS PATENT INFRINGEMENT CONTENTIONS**

Comes now the Defendant Oaklawn Jockey Club, Inc. ("Oaklawn"), by and through its attorneys, FRIDAY, ELDREDGE & CLARK, LLP, and respectfully submits its Motion to Stay Scheduling Order Deadlines Unless and Until Plaintiff Cures Deficiencies in Its Infringement Contentions, stating as follows:

1. On May 19, 2016, the Court entered a Scheduling Order tailored to patent cases. (ECF No. 78). The Scheduling Order adopts the Northern District of California's local rules for patent cases. (ECF No. 69, pg. 2; ECF No. 78).

2. On July 7, 2016, Plaintiff Hawk Technology Systems, LLC ("Hawk") served its "Disclosure of Asserted Claims, Preliminary Infringement Contentions, and Document Production Accompanying Disclosure" on Oaklawn.

3. Unfortunately, as outlined in the accompanying brief, Hawk's Infringement Contentions are woefully deficient. Oaklawn respectfully submits that requiring it to produce its own Invalidity Contentions and associated document production, pursuant to Local Patent Rules 3-3 and 3-4, before Hawk cures these significant deficiencies would be fundamentally unfair.

4. Oaklawn therefore seeks relief routinely granted in these circumstances, *i.e.*, a stay of Oaklawn's obligations under the scheduling order unless and until Hawk meets its requirements under P.L.R. 3-1 and 3-2.

5. Oaklawn respectfully requests expedited consideration of its Motion to Stay, as the first deadline applicable to Oaklawn is the August 22, 2016 deadline for serving Invalidity Contentions. (ECF No. 78).

6. In support of its Motion to Stay, Oaklawn submits a Memorandum of Law, which it files simultaneously herewith, as well as the following exhibits:

Exhibit A: Hawk's infringement contentions and claim chart

Exhibit B: July 27, 2016 letter from Oaklawn counsel to Hawk counsel

Exhibit C: August 1, 2016 email from Hawk counsel to Oaklawn counsel

Exhibit D: August 16, 2016 letter from Oaklawn counsel to Hawk counsel

WHEREFORE, the Defendant Oaklawn Jockey Club, Inc. respectfully requests that the Court grant its Motion to Stay Scheduling Order Deadlines Unless and Until Plaintiff Cures Deficiencies In Its Patent Infringement Contentions, and for all other proper relief.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was electronically filed on this 16th day of August 2016, resulting in ECF notifications from the United States District Court to:

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